

Lewis E. Byrd III

Case No. 17-cv-233-JDP

Plaintiff,

v.

Vernon County Jail and
Morgan Ness,
Defendant.

Motion of Appeal

On this day Dec. 11, 2017 Plaintiff Mr. Byrd is filing an appeal on the decision made to grant Defendant Morgan Ness Summary Judgment in this case. Summary Judgment was granted on the grounds that Mr. Byrd failed to exhaust administrative remedies.

Mr. Byrd argues that there was no need for him to file an appeal regarding Morgan Ness opening Mr. Byrd's legal mail. Mr. Byrd filed a grievance and the grievance was responded to properly. There was no need for Mr. Byrd to go any further with the grievance process. Morgan Ness admitted in writing that she opened Mr. Byrd's legal mail and her supervisor had spoken to her about the importance of not opening inmates legal mail. This issue was resolved using the grievance process by Mr. Byrd and jail staff.

MR. Byrd argues that even though this issue was handled by the grievance process within the jail, MR. Byrd's civil rights were still violated by having his legal mail opened. There was no need for MR. Byrd to appeal his grievance on this issue in his claim because it was handled by being acknowledged and addressed by jail staff. But it is still illegal to open inmates legal mail. There was no reason for MR. Byrd to appeal the grievance against his legal mail being opened because it was properly addressed by jail staff. No further action from the jail was needed. Just because it was addressed within the jail and the defendant Morgan Ness admitted to opening MR. Byrd's legal mail doesn't mean they are not legally responsible or shouldn't be held accountable for their actions.

MR. Byrd's claims against the Vernon County Jail and Morgan Ness should of been dismissed in part and granted in MR. Byrd's favor in part. MR. Byrd's claims against Morgan Ness the Sheriff's legal secretary should move forward for defendant opening MR. Byrd's legal mail. The issue surrounding denial of MR. Byrd to have access to the phone to call his lawyer should of been dismissed.

MR. Byrd ask this court of appeals to reconsider MR. Byrd's claims against defendant Morgan Ness of opening MR. Byrd's legal mail.

Respectfully
Lewis E. Byrd
Lewis E. Byrd

Dated: 12/11/17